

REMARKS

In accordance with the foregoing, neither the specification nor claim has been amended or cancelled. Claims 1-21 are pending and under consideration.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, on pages 2-3, the Examiner rejects claims 1, 7, 9, and 12 under 35 U.S.C. 102(b) as being anticipated by Kubota et al. (U.S. Patent No. 6,590,643). This rejection is respectfully traversed and reconsideration is requested.

The Office Action asserts that Kubota et al. discloses "a plurality of cameras, being spaced from the panel supporting member, provided to photograph the panel supported by the panel supporting member" as recited in claim 1.

By way of review, Kubota et al. sets forth "the lens 4 is moved by the condensing device translation mechanism 12 in a direction L parallel to the plane of the stage 3, to the angular position which corresponds to the direction of at which luminance measurement is performed. At the same time the CCD device 5 is also moved in a direction S in parallel to the stage to a position where the image of the pixel 2 may be formed on an area of the plane of photodiodes 6 through the lens 4."(col. 8 lines 14-22). Also see FIG. 14, illustrating movement of CCD device 5 in L or S directions.

Thus, Kubota et al. suggests a single CCD device to be moved in a direction S to form the image of the pixel thereon. Though the illustrations appear to show two cameras in Kubota et al., only one camera is actually being described.

Accordingly, Kubota et al. fails to disclose "a plurality of cameras, being spaced from the panel supporting member, provided to photograph the panel supported by the panel supporting member" as recited in claim 1.

As such, it is respectfully requested that this rejection of claim 1 be withdrawn and claim 1 be allowed.

Further more, claim 9 is also submitted to be allowable for at least the similar reasons as claims 1, as well as for the additional/different recitations therein.

In addition, Claims 7 and 12, which depend from claims 1 and 9, respectively, are also submitted to be allowable for at least the same reasons as claims 1 and 9, as well as for the additional recitations therein.

REJECTION UNDER 35 U.S.C. § 103:

At pages 3-8 of the Office Action, the Examiner rejects claims 2,8,10, 13-15, and 17 under 35 U.S.C. §103(a) as being unpatentable over Kubota et al. (U.S. Patent No. 6,590,643) in

view of Francis et al. (FR 2669180).

Regarding claims 2, 13-14, and 17, the outstanding Office Action sets forth that Kubota et al. fails to disclose "a first camera for providing to face the display panel from a direction perpendicular to the panel, and a second camera for providing to face the display panel at an acute angle to the display panel and being spaced from the first camera, wherein the first camera is installed within a predetermined distance of the second camera."

However, the Office Action insists that the background of Kubota et al. teaches in figure 15 a first camera (43 of figure 15) for providing to face the LCD panel (41 of figure 15) for providing to face the LCD panel (41 of figure 15) at an acute angle (figure 15) to the LCD panel (41 of figure 15) and being spaced from the first camera (43 of figure 15), wherein the first camera (5 of figure 14) is installed within a predetermined distance of the second camera (5 of figure 14).

By way of review, Kubota et al. sets forth that "the measurement is done by rotating the photometer 43 about the pixel 41a in the tangential direction perpendicular to the radiation and measure the intensity of the radiation by the photometer 43" (col. 1, lines 36-39, FIG.15).

In addition, as stated above, Kubota et al. fails to disclose "the first camera is installed within a predetermined distance of the second camera" recited as claim 2, but discloses only single rotating photometer. As such, it is respectfully noted that neither Kubota et al. nor background of Kubota et al. either alone or in combination, teach or suggest how to combine the panel inspection apparatus recited in claim 2.

Accordingly, it is respectfully submitted that this rejection of claims 2, 13-14, and 17 be withdrawn and claims 2, 13-14, and 17 be allowed.

Regarding claim 8, the outstanding Office Action sets forth that Kubota et al. fails to teach the second camera supported by the an adjacent one of the rotatable camera support while being rotated. However, the Office Action asserts that Francis et al. teaches a second camera supported by the rotatable camera support so as not to interfere with the first camera supported by an adjacent one of the rotatable camera support while being rotated.

By way of review, Francis et al. teaches only an "axially mobile carriage 5 which carries the rotating plate." It is unclear how the Office Action alleges that Francis et al. teaches or suggests the second camera support by the rotatable camera support is provided so as not to interfere with the first camera supported by an adjacent one of the rotatable camera support while being rotated, as sets forth in claim 8. Further more, Kubota et al. fails to teach or suggest "a plurality of cameras."

Accordingly, it is respectfully submitted that neither Kubota et al. nor Francis et al. either alone or in combination, teach or suggest how to combine the panel inspection apparatus recited in claim 8.

Regarding claim 10, the outstanding Office Action sets forth that Kubota et al. fails to disclose the camera support member supporting the rotatable camera support, a predetermined distance away from the panel supporting member. However, the Examiner asserts that Francis et al. teaches that it is known in the art to provide the camera support member (6 of figure 2) supports the rotatable camera support (7,8 of figure 2) a predetermined distance away from the panel supporting member.

As a general matter, in order to establish a prima facie obviousness rejection, the Examiner needs to provide both the existence of individual elements corresponding to the recited limitations, and a motivation to combine the individual elements in order to create the recited invention. Both the individual elements and the motivation need to be shown to have existed in the prior art. Should the Examiner fail to provide evidence that either one of the individual elements or the motivation does not exist in the prior art, then the Examiner has not provided sufficient evidence to maintain a prima facie obviousness rejection of the claim. MPEP 2143.03.

Thus, the burden is initially on the Examiner to provide evidence as to why one of ordinary skill in the art would have been motivated to combine the individual elements to create the recited invention, and to demonstrate that this evidence existed in the prior art.

As an example, MPEP 2143.03 refers to In re Koltzab, 55 USPQ2d 1313 (Fed. Cir. 2000). In In re Koltzab, the Federal Circuit agreed with the Patent Office and the Examiner that the prior art, as a whole, disclosed each of the individual elements of the recited invention, which was an injection molding machine. However, the Federal Circuit held that "a rejection [for obviousness] cannot be predicated on the mere identification in [one of the prior art references] of individual components of the claimed limitations." Instead, the Federal Circuit held that "particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed." Id. at 1317. As such, in order to establish a prima facie obviousness rejection of a claim, the Examiner needs to both provide this particular evidence of the motivation to make the combination, and show that this evidence existed in the prior art. MPEP 2141.03.

As mentioned above, Kubota et al. fails to disclose "a plurality of cameras installed above the display panel." Further more, Francis et al. fails to teach or show panel support member recited in claim 10. As such, it is respectfully submitted that neither Kubota et al. nor Francis et al.

either alone or in combination, teach or suggest how/why to combine the panel inspection apparatus recited in claim 10.

Regarding claim 11, The Office Action sets forth that Kubota et al. fails to disclose "the size of the display panel is not larger than the camera scope of each of the plurality of cameras."

However, it is noted that, even assuming arguendo that background of the present application sets forth that the size of the display panel is not larger than the camera scope of each of the plurality of cameras, since Kubota et al. does not disclose or suggest "a rotatable camera support to rotatably support at least one of the pluralities of cameras", it is further respectfully submitted that the combination of Kubota et al. and background of the present application does not disclose or suggest the features as recited in claim 11.

Claims 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kubota et al. (U. S. Patent No. 6,590,643).

The Office Action sets forth that Kubota et al. fails to disclose a plurality of first cameras having an optical axis concurrent with axis of rotation of the rotatable camera support and a plurality of second cameras having an optical axis at an acute angle relative to the plurality of first cameras. However, the Office Action asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a plurality of first cameras having an optical axis concurrent with axis of rotation of the rotatable camera support and a plurality of second cameras having an optical axis at an acute angle relative to the plurality of the first camera in the panel inspection apparatus of Kubota et al.

As noted by MPEP 2144.03, it would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esthetic technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ AT 420-421. Further, objective evidence is respectfully requested for any taking of Official Notice in the outstanding Office Action.

In addition as noted above, any corresponding motivation must similarly be evidenced on the record.

As such, it is respectfully submitted that this rejection of claims 19-21 be withdrawn and claims 19-21 be allowed.

ALLOWABLE SUBJECT MATTER:

Claims 3-6, 16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

However, reconsideration of claims 3-6, 16, and 18 is respectfully requested based upon the reasons mentioned above.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: 
Stephen T. Boughner
Registration No. 45,317

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501